

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ACERTA PHARMA B.V., ASTRAZENECA  
UK LIMITED, ASTRAZENECA  
PHARMACEUTICALS LP, and  
ASTRAZENECA AB,

*Plaintiffs,*

v.

CIPLA LIMITED and CIPLA USA, INC.,

*Defendants.*

C.A. No. 24-587-GBW

ACERTA PHARMA B.V., ASTRAZENCA  
UK LIMITED, ASTRAZENECA  
PHARMACEUTICALS LP, and  
ASTRAZENECA AB,

*Plaintiffs,*

v.

MSN PHARMACEUTICALS INC. and MSN  
LABORATORIES PVT. LTD.,

*Defendants.*

C.A. No. 25-43-GBW

**STIPULATION AND [PROPOSED] ORDER REGARDING  
CONSOLIDATION AND AMENDED CASE SCHEDULE**

WHEREAS, on May 16, 2024, Plaintiffs Acerta Pharma B.V., AstraZeneca UK Limited, AstraZeneca Pharmaceuticals LP, and AstraZeneca AB (collectively “AstraZeneca” or “Plaintiffs”) filed an infringement action against Defendants Cipla Limited and Cipla USA, Inc. (“Cipla”), Civil Action No. 24-587-GBW, regarding Cipla’s Abbreviated New Drug Application (“ANDA”) No. 219228 (the “Cipla Action”);

WHEREAS, on January 10, 2025, Plaintiffs filed an infringement action against Defendants MSN Pharmaceuticals Inc. and MSN Laboratories Pvt. Ltd. (“MSN”), Civil Action No. 25-43-GBW, regarding MSN’s Abbreviated New Drug Application (“ANDA”) No. 220055 (the “MSN Action”);

WHEREAS, the Cipla Action and the MSN Action involve the same patents, U.S. Patent No. 10,272,083 (“the ’083 patent”) and U.S. Patent No. 11,059,829 (“the ’829 patent”) (the “Patents-in-Suit”), and the parties agree that there are common issues of law and fact;

WHEREAS, the parties agree that the Cipla Action and the MSN Action should be consolidated for all purposes;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of the Court, that:

1. Pursuant to Federal Rule of Civil Procedure 42(a), the Cipla Action and the MSN Action are hereby consolidated for all purposes.
2. The Cipla Action, Civil Action No. 24-587-GBW, shall be the lead case (hereinafter, the “Consolidated Action”), and all future filings shall be made only in the Consolidated Action, and shall include the caption below for the Consolidated Action:

ACERTA PHARMA B.V., et al.,

*Plaintiffs,*

v.

CIPLA LIMITED, et al.,

*Defendants.*

C.A. No. 24-587-GBW  
(Consolidated)

3. MSN's Answer to the Complaint in the MSN Action shall be filed in the Consolidated Action on or before March 14, 2025.
4. The parties agree that the protective order entered in the Cipla Action (D.I. 14) will govern the Consolidated Action. The parties agree that MSN is considered a party for the purposes of the Order to the same extent that Plaintiffs and Cipla are considered parties. The parties agree that up to three (3) in-house personnel employed by MSN may have access to Confidential Information designated by Plaintiffs in the Action, for the same purposes and under the same conditions outlined for Cipla in-house personnel under Paragraph 6.2(b) of the Order.
5. Plaintiffs and Cipla had previously filed a stipulated scheduling order (D.I. 13) in the Cipla Action, which has not yet been entered by the Court. The Court's procedures, as set forth in D.I. 13, shall apply to the Consolidated Action. However, in light of the consolidation of the Cipla Action and MSN Action, the parties have conferred and agreed upon a proposed amended schedule to align the deadlines for MSN and Cipla. The following schedule shall govern all parties and deadlines in the Consolidated Action, unless otherwise noted below.

<b>Event</b>	<b>Deadline</b>
Any motions to join other parties or amend pleadings due <b>(As to MSN Only)</b>	April 11, 2025
Plaintiffs' Initial Infringement Contentions (Paragraph 4(c) of the Default Standard) <b>(As to MSN Only)<sup>1</sup></b>	April 11, 2025
Parties to exchange lists of claim terms/phrases and proposed constructions	April 25, 2025
Parties shall respond to and provide their proposed construction for any terms/phrases	May 2, 2025

<sup>1</sup> MSN produced its ANDA (Paragraph 4(b) of the Default Standard) on March 21, 2025.

presented by the other side for which the party did not initially provide a construction	
Parties to file a Joint Claim Construction Chart	May 9, 2025
Defendants' Joint Initial Invalidity Contentions (Paragraph 4(d) of the Default Standard)	May 30, 2025
MSN produces samples of its ANDA product and API <b>(As to MSN Only)</b>	On or before June 1, 2025
Plaintiffs to serve opening Claim Construction brief	June 9, 2025
Defendants to serve coordinated answering Claim Construction brief	July 11, 2025
Plaintiffs to serve reply Claim Construction brief	August 1, 2025
Defendants to serve coordinated sur-reply Claim Construction brief	August 22, 2025
Parties to file a Joint Claim Construction Brief, and a motion requesting claim construction hearing	September 12, 2025
Substantial completion of document productions	September 26, 2025
Claim Construction Hearing	At the Court's convenience in October 2025
Counsel shall submit a joint letter to the Court with an interim report of the matters in issue and the progress of discovery to date	December 12, 2025
Fact discovery cut-off	February 13, 2026
Initial Rule 26(a)(2) disclosure of expert testimony due for party bearing initial burden of proof on subject matter	April 24, 2026
Plaintiffs' responsive reports (including any reports regarding objective indicia of nonobviousness) due and Defendants' responsive reports due	July 3, 2026
Reply expert reports due	August 14, 2026
Parties to exchange dates and times of their experts' availability for deposition	August 14, 2026
Parties to complete depositions of experts	October 14, 2026
Any <i>Daubert</i> motions due	November 13, 2026
Parties to file joint proposed final pretrial order	7 days before pretrial conference
Rule 16(e) final pretrial conference	At the Court's convenience in April 2027
Five-day bench trial	At the Court's convenience in April or May 2027

DATED: April 7, 2025

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